

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

| | | |
|-----------------------------------|---|-------------------------|
| MARY ANN SANCHEZ ELIZONDO, | § | |
| | § | |
| v. | § | A-13-CA-0081-AWA |
| | § | |
| CAROLYN W. COLVIN, | § | |
| ACTING COMMISSIONER OF THE | § | |
| SOCIAL SECURITY | § | |
| ADMINISTRATION | § | |

ORDER

Before the Court is Plaintiff's Unopposed Motion and Incorporated Brief for Attorney Fees

Under the Equal Access to Justice Act (Dkt. # 21). The EAJA provides, in pertinent part:

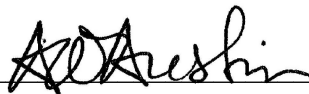
Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort), including proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust.

28 U.S.C. § 2412(d)(1)(A). Because this suit was remanded to the Commissioner pursuant to sentence four of the Social Security Act, 42 U.S.C. § 405(g), Plaintiff Maryann Sanchez Elizondo is deemed the prevailing party under this provision. *Shalala v. Shafer*, 509 U.S. 292, 300-02 (1993).

Because the Motion is unopposed and appears meritorious, the Court **HEREBY GRANTS** Plaintiff's Unopposed Motion and Incorporated Brief for Attorney Fees Under the Equal Access to Justice Act (Dkt. # 21). Accordingly, the Court **ORDERS** Defendant, Carolyn W. Colvin, the Acting Commissioner of the Social Security Administration, to tender payment to Plaintiff Maryann

Sanchez Elizondo's counsel, Laura K. Funk, in the amount of \$6,275.06, within thirty (30) days of entry of this Order.

SIGNED this 12th day of February, 2014.

A handwritten signature in black ink, appearing to read "A. Austin", written over a horizontal line.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE